

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JESUS IXTA-SALAZAR,**

**Defendant.**

**CASE NO. 8:08CR326**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Clerk's In Forma Pauperis Memorandum, ECF No. 196. The Defendant Jesus Ixta-Salazar seeks permission to appeal in forma pauperis from the Court's denial of his pro se Motion to Clarify, ECF No. 193.

**FACTUAL BACKGROUND**

Ixta-Salazar was found guilty after jury trial of Counts I, III, IV and V of the Indictment charging him with distributing or possessing 500 grams or more of a mixture or substance containing methamphetamine with intent to distribute (Count I), being an illegal alien in possession of a firearm (Count III), and criminal forfeiture (Counts IV and V). He was sentenced to concurrent terms of 235 months imprisonment and concurrent terms of 5 years supervised release on Counts I and III. Property was forfeited. Ixta-Salazar and the government filed cross appeals. The U.S. Court of Appeals for the Eighth Circuit granted the government's motion for voluntary dismissal of its appeal; affirmed this Court's denial of Ixta-Salazar's motion for acquittal; and affirmed his sentence. Ixta-Salazar's timely § 2255 motion followed. After all issues were fully briefed and thoroughly analyzed, the § 2255 motion was denied, and the U.S. Court of Appeals for the Eighth Circuit denied a certificate of appealability.

Ixta-Salazar later filed a motion for reduction of sentence pursuant to Amendment 782. His attorney and the government entered into a stipulation, and, on November 19, 2015, Ixta-Salazar's sentence of incarceration was reduced to a term of 188 months.

Ixta-Salazar persists in filing pro se motions for clarification of his sentence, questioning whether the Bureau of Prisons has computed his time correctly regarding credit for time served, and whether his federal sentence should be considered consecutive or concurrent to other sentences imposed by other courts. The Judgments entered by this Court speak for themselves; the Bureau of Prisons will calculate time served and the concurrent or consecutive nature of other sentences; and this Court declines to offer further explanation, guidance, or clarification.

Accordingly,

IT IS ORDERED:

1. Defendant Ixta-Salazar will not be granted permission to proceed in forma pauperis in his "appeal" of the Court's denial of his most recent motion for clarification; and
2. The Clerk of Court is directed to send a copy of this Memorandum and Order to the Defendant at his last known address.

DATED this 17<sup>th</sup> day of May, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge